

UNITED STATES DISTRICT COURT
for the
Middle District of Georgia

United States of America

V.

David Earl Butler

Date of Original Judgment: 10/19/2020

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

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Case No: 7:18-CR-00032-001

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USM No: 00946-120

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Timothy Savietto

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 84 months is reduced to Time Served.

Butler was found guilty by a trial jury on November 14, 2019, of the Superseding Indictment charging him with Possession of a Firearm by a Convicted Felon. The Court adopted the presentence report without change and determined that the total offense level was 24 with a criminal history category IV, which yielded an advisory sentencing range of 77-96 months. He was sentenced to serve 84 months custody followed by three years of supervised release. When calculating his criminal history category, Butler had six criminal history points. An additional two points were added for being under a criminal justice sentence when he committed the instant offense. Based on Amendment 821 to the *United States Sentencing Guidelines*, points are no longer authorized to be added for being under a criminal justice sentence when the instant offense was committed for defendants having six or less criminal history points. The Court grants a reduction in this case. Butler's total criminal history score should be six, which establishes a criminal history category III. A total offense level 24 with a criminal history category III yields an advisory sentencing range of 63-78 months. The government agrees that Butler is eligible for relief and should receive the maximum benefit of the reduction. Butler is scheduled to release from custody on March 20, 2024. The Court reduces Butler's sentence to a term of time served, effective February 1, 2024.

Except as otherwise provided, all provisions of the judgment dated 10/19/2020 shall remain in effect.

IT IS SO ORDERED,

Order Date: 1/11/2024

W. Louis Stander
Judge's signature

Judge's signature

Effective Date: February 1, 2024
(if different from order date)

W. Louis Sands, Senior U.S. District Judge

Printed name and title